

FILED '09 JAN 30 09:54 USDC ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GEORGE HAMILTON,

CV 07-6278-PK

Plaintiff

ORDER

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security

Defendant.

MARSH, Judge:

On October 2, 2008, Magistrate Judge Papak issued a Findings and Recommendation that defendant's final decision denying plaintiff's claim for disability insurance benefits and supplemental security income should be affirmed. Plaintiff has filed timely objections and the matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b) on de novo

review. See 28 U.S.C. § 636(b)(1)(C); Bhan v. NME Hospitals, Inc., 929 F.2d 1404, 1415 (9th Cir. 1991).

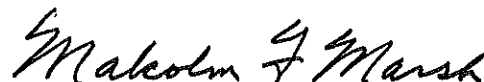
Plaintiff alleges he is disabled because of back, leg, and knee pain, bilateral carpal tunnel syndrome, and liver problems.

Following a careful review of the record, I concur in the Magistrate Judge's Findings that (1) the ALJ did not improperly ignore Dr. Howison's August 12, 2005, opinion that plaintiff was "disabled and in no way will be able to be gainfully employed in the near future," (2) the Appeals Council did not improperly discount Dr. Howison's May 10, 2007, letter to plaintiff's counsel that plaintiff could not perform light work, and (3) the Magistrate Judge did not err in upholding the ALJ's partial rejection of plaintiff's testimony regarding the severity of his pain-related limitations.

For these reasons, I find no error in the Findings and Recommendation (doc. 22), and I adopt them as my own. Accordingly, the Commissioner's decision denying plaintiff's claim for disability insurance benefits and supplemental security income is **AFFIRMED** and this case is **DISMISSED with prejudice**.

IT IS SO ORDERED.

DATED this 29 day of January, 2009.



Malcolm F. Marsh
Senior United States District Judge